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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,879

06/26/2003

Joshua D. Posamentier

42P16459

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10/01/2004

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EXAMINER

ASSAF, FAYEZ G

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,879

Applicant(s)

POSAMENTIER, JOSHUA D.

Examiner

Fayez G. Assaf

Art Unit

2872



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 and 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Vancoille et al. (US 2004/0179784 A1).

Regarding claims 1, 11 and 17, Vancoille discloses an optical device, comprising: an input leg; an output leg, parallel to said input leg and separated by a horizontal connecting portion (see Fig. 3); an angled partially reflective surface above said input leg (311 of Fig. 3, 511 of Fig. 5); and an angled reflective surface above said output leg (113 of Fig. 1).

It is noted that the recitation with respect to the surface being *partially* reflective reads of the cited reference: one of ordinary skill in the art appreciates that the surface 111, for

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example, is totally or partially reflective depending on the wavelengths.

Regarding claim 2, 14 and 18, Vancoille discloses a lens (119 of Fig. 1) integrated at a tip of said input leg.

Regarding claims 3 and 12, Vancoille discloses the partially reflective surface being positioned on an angle to reflect light from said input leg to said reflective surface, and said reflective surface is positioned on an angle to reflect light through said output leg (See Fig.'s 1 and 3-6).

Regarding claims 4-6, 16 and 22, Vancoille discloses a VCSL (102 of Fig. 1), which emits a beam in a vertical direction relative to a substrate (101 of Fig. 1) into said input leg; and a detector (103 of Fig. 1) positioned on said substrate adjacent said laser to receive a portion of said beam from said output leg.

Regarding claim 7, Vancoille discloses said partially reflective surface comprising a splitter (416 of Fig. 4).

Regarding claims 8 and 13, Vancoille discloses an optical fiber (105 of Fig. 1) to receive light passing through said partially reflective surface.

Regarding claim 9 and 19, Vancoille discloses said input leg, said output leg, and said horizontal connecting portion comprise molded plastic (see section [0014]).

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Regarding claim 10 and 20, Vancoille inherently discloses a hermetic housing to package said optical device.

Regarding claim 21, Vancoille discloses a fiber (105 of Fig. 1) positioned over said partially reflective mirror.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vancoille et al.

Vancoille discloses the claimed invention except for the tapped portion of light comprising approximately 10% of the beam.

However, tapping such amount of power from the beam for power monitoring is well known in the art.

It would have been obvious, at the time the invention was made, to a person having ordinary skill in the art to arrive at

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such value so as to maintain the laser power intensity delivered to the fiber.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Severn (US 6,124,956)

Geske (US 2003/0231664 A1)

Wagner (US 4,176,908)

Conclusion

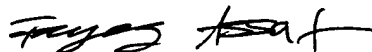
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fayez G. Assaf whose telephone number is (571) 272-2307. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Faye G. Assaf
Examiner
Art Unit 2872

FA

9/29/04